

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BENARD L MADOFF,
Debtor.

Adv. Pro. No 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

A Fiduciary's Dispositive Motion for the
Decision *Reserved* During the 04.25.2018
Hearing in the Case of Objectant Deal Loren
since Due Process of Law *Does Not End Until*
Justice by Laws *Correctly* Applied

Prevails Over

Injustice by Laws *Misapplied*

June 27, 2018

1 With all due respect to the Hon Court, Trustee, Objectants and Counsels, Attorney Lalit K Jain *continues honestly representing* Objectant Dean Loren ("DL") for *the truth, the whole truth, and nothing but the truth* on all treasury transactions, etc. since May 24, 1985 (date of death of Simon A. Goldberg) to insure that legal and factual arguments, verified by correct evidence, as **conclusive prevail over** legal and factual arguments, belied by correct evidence, as **conclusory**.

2 By laws *correctly applied*, Hon Court is required to end addiction to protection by laws misapplied for violations of *unforgiving fiduciary duties* "to marshal estate assets and to prevent waste", *In re Estate of Michael Kulukundis* (E33-E37 at E35). **This is 06.28.2018 judicial proof** of the BigLaw's *premeditated law-defiant behaviors* violating *Matter of Haberstich, 1996*, Sur Ct, NY County, 169 Misc2d 543, 545 cited by the NY County Surrogate Rita Mella as her case law authority to reconfirm the *same correct thus good law* that *did not deter* the BigLaw.

3 Are the BigLaw *immunized law-defiants* to act *above* the law and Courts of law?

A Opening Statements

4 Hon Judge is required by the legal doctrine of unbiased closure ("*LeDOUC*") to chill *fearless premeditated law-defiant behaviors* by *fiduciaries and their counsels*, more so the BigLaw, by its *correct* landmark Decision and Order to:

.1 Make Justice by laws *correctly applied* as *judicial conduct making the numbers add up right prevail over* Injustice by laws *misapplied* as *unjudicial conduct making the numbers add up wrong; and thus*

.2 Not make Injustice prevail over Justice, knowing the following:

“While an attorney should represent his client with singular loyalty, that loyalty obviously does not demand that he act dishonestly or fraudulently; on the contrary, his loyalty to the court, as an officer of the court, demands integrity and honest dealing with the court. And when he departs from the standard ... he perpetrates fraud upon a court ... (citing cases).”

Demjanuk v Petrovsky, 1993, US Ct App, 6th Cir, 10 F3d 338, 352 [*Emp. Added*].

5 *With or without a hearing* on this Motion requested by Objectant in the *judicious discretion* of the Court, an *unbiased* Memorandum of Law *correctly* applied dated 05.01.2018 (A1-A4 with endnotes¹⁻¹⁰) *aka LKJMOL for finality* under the *LeDOUC* is the master key.

6 It requires the Court to make Justice prevail over Injustice *instead of vice versa* to end the constitutionally mandated due process of law since the endnotes in the *LeDOUC* include *dispositive* case laws to ***learn not to repeat history of mistakes or else history of all kinds of issues and scams like the Madoff scam throughout history will keep repeating itself.***

7 The Court Order, when issued for *deserved* Objectants, is the answer to the question on how to set all the records straight since at least May 24, 1985 with judicial immunity as follows:

- .1 Madoff's own *uncontroverted testimonies* are still inevitable to be included in the record of the case as *irrefutable proof of treasury trades* etc. by **Merrill Lynch, JPMorgan Chase**, etc. as the **broker-dealers** using **Bloomberg terminals**;
- .2 Settlements shall continue to be legally null and void as *compromised*, having been made *without the benefit* of the *LeDOUC*, and are also included in the record of the case; and
- .3 Laws *correctly applied* still mandate that *all* Objectants and others in this case still serve and file *all Wolff Popper Billings as dispositive evidence in their possession and/or control* that will help everyone **to connect all the dots for a crystal clear perception without deception** of the legitimacy and/or illegitimacy of ***all such treasury trades*** etc., knowing that trades are trades are trades, legitimate or illegitimate, especially if mere fake entries.

8 *Per se*, not giving Court's Decision to include *all treasury transactions*, etc. in the record of the case to benefit *all deserved* Objectants including, but not limited to, DL as required by DL's 06.25.2018 Affidavit in Support of Treasury Trade Discovery etc. (E38-E41) is

dispositive evidence of *dishonest* dealing with the Court by the BigLaw and others violating the *Demjanuk mandate* and the other ***dispositive case laws***¹⁻¹⁰ included in attached LKJMOL.

9 *Per se*, making the Court *justify unjust ongoing law-defiant* behaviors of Trustee in *ongoing breaches of fiduciary duties* to Trust beneficiaries since day one of Trusteeship (**false Trustee statements that Madoff made no Treasury trades**) is still wrong, dead wrong.

10 The LeDOUC requires the Court to honestly set the record straight as *judicial* conduct *for* judicial immunity ***without guilt*** to end *unjudicial* conduct *for* judicial immunity ***with guilt*** depriving *deserved* Objectants of their benefits, make Justice *prevail over* Injustice and thus *honestly dishonor* everyone who is involved in *creating lies, issues and scams* in law and fact.

B Legal Arguments

11 It is a ***nightmare*** to *read* Trustee false statements and complaints and parroting *defiled* judicial Decisions and Orders, *comprehend and make sense out of millions of pages of legal* briefs by *hundreds* of Objectants' *true statements*. All ***compromised*** Decisions and/or Settlements as Injustice are *unconstitutional thus legally null and void* to keep making their enforcers trespassers-in-law aka Outlaws with no immunity from paying damages to their victims until ***uncompromised*** Decisions and/or Settlements as the same Justice sought by all is delivered.

12 **The investors are the prey.** They *deserve* to be paid *therapeutic restitution for therapeutic rehabilitation*. **The Government is not the prey.** Yet as a **co-predator with Madoff**, the Government also got paid to keep *parasitic unjust gains* in millions **at the cost of the prey in thousands**. All ***unjust behavior*** is evidence of continued violations of fiduciary duties of the Trustee by the Trustee still refusing to collect on the treasuries, etc., isn't it?

13 Court's immediate *judicious* Decision and Order *to connect all the dots* offending no one makes due process of law:

- .1 **End** *only after* honesty **enforces** *everyone's right* to Justice;
- .2 **Prevents** *conspiracy* by laws *misapplied perpetuating hypocrisy*; and
- .3 **Makes** *predators violating laws* against *parasitic unlawful* gains pay their prey *punitive damages* and *enough therapeutic restitution for therapeutic rehabilitation* to end *judicial* scams that promote and justify *all nonjudicial* scams like the Madoff scam because *hypocrisy by conspiracy* makes SCOTUS Rule 10 ***rarely grant*** petitions asserting "*erroneous factual findings* or the *misapplication* of a properly stated rule of law" as Injustice killing Justice, *still*.

C Closing Statements

14 Such *judicious* Decision and Order makes Court-ordered cooperation between all involved a *second Godsend* to help ***prevent neglect in this SIPA proceeding***.

May it please the Court to please insure honesty to pass a *second Godsend* Order:

- 1 To deny Trustee's request to deny Objectant's "Motion in its entirety" (Trustee's Response, page 11, CONCLUSION, knowing that Court-ordered Wolff Popper Billing Evidence in the record of the case reveals this CONCLUSION AS CONCLUSORY or CONCLUSIONARY);
- 2 To grant Objectant Dean Loren's discovery requests and also "such additional and further relief as the Court deems just and fair" (Trustee's Response, page 11, CONCLUSION) including immediate production of Wolff Popper Billing Evidence by Trustee and its Counsels as legally required to help prevent neglect, that too, *premeditated neglect*, in the SIPA proceeding; and
- 3 To insure that every Officer of the Courts' ***singular duty to the Court*** helps prevent the Court from making Judgmental errors as finality, knowing that only error-free finality makes Justice ***helping all prevail over*** Injustice ***hurting all*** since day one of *defiled* Trustee Complaint.

Dated: Queens, New York
Jun 27, 2018

Respectfully submitted,

/s/ Lalit K Jain

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Honorable Stuart M Bernstein

(A *hard copy* of every pleading, with exhibits, to
Chambers is to be provided at the time of service).

United States Bankruptcy Court

Southern District of New York

One Bowling Green, New York, NY 10004-1408

Tel: 212 284-4078 / Chambers: 212 668-2304 / Courtroom: 723

Courtroom Deputy: Chantel Barrett 212 284-4026

Law Clerk: Alexander Rich 212 284-4027

Law Clerk: Derek Cash 212 284-4028

Law Clerk: Mike Paek 212 284-4564

LKJESQ Summa Cum Laude 1967

"Good Law" Day 05.01.2018	LAW OFFICES OF LALIT K JAIN ESQ Let all live in truth Knowing Justice always insures nature.™ <i>Laws correctly applied instead of misapplied as constitutionally mandated.™</i>	Fon: 718-255-6576 Cell: 718-316-5921 Fax: 347-637-5498
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The *issue* is the **unforgiving challenge** of Summary Judgments and/or *error-free trials*¹ also for the **BigLaw** to honestly² honor the legal doctrine of *unbiased closure*³ ("LeDOUC"). Never lying⁴ and thus always "arriving at the truth"⁵ makes all involved in wrongdoings, coverups, falsifying records, scams, hypocrisy, corruption,⁶ *conspiracy,*⁷ etc. violating laws against *parasitic unlawful gains*⁸ pay their prey *punitive damages* and *therapeutic restitution for therapeutic rehabilitation.*⁹ Setting the records straight ends Injustice *prevailing over* Justice since day one.¹⁰ **Amen People** who thank all clean Courts with clean lawyers and forensic experts helping all thus hurting none.

¹ "...where all the relevant facts are...shown by the Court's own records [**to make numbers add up right without guilt or shame**], of which it takes notice, there appears no good reason why an answer should be first required [**to make numbers add up wrong with guilt and shame**]"

W.E. Hedger Transp. Corp. v Ira S. Bushey & Sons, 2nd Cir.1951, 186 F2d 236, 237.

² "In so holding, we place power and responsibility where in reason they should be [**to stop writing fictions as judgments**]...**for the health and honor of the profession and for the protection of the public**...If the house is to be cleaned [**to judge honestly**], it is for those [**jurists like me**] who occupy and govern it... [**to honestly make truthing on and off oath as truthful science** with judicial immunity for law-compliant behaviors and lifetime secured jobs prevail over lying on and off oath as political science with same judicial immunity and lifetime secured jobs for law-defiant behaviors, isn't it?]
People Ex Rel Karlin v Culkin, 1928, Ct App, CJ Cardozo, 1931, 248 NY 465, 479-480.

³ This NY State Queens County Criminal Court in *People v Onuorah* aka Docket No. 2012QN040877 made its **unjudicial conduct reverse and correct into judicial conduct with same judicial immunity, no ifs, ands or buts, period, case closed**, and thus evil governments **upgrade into** good governments. The LeDOUC is **irreversibly immortalized** in its 25-page Transcript of the Oct 31, 2013 *self-policing* and *self-correcting effort-free trial* that was not prevented by the preventable Summary Judgment.

"[p20] ...THE COURT [ruled]: ...I do find the defendant guilty...unless you [Jain] want to be heard... [p21] MR JAIN [said]: Yes... [p22]. THE COURT [ordered]...Parties **step up real quick**. (Whereupon a bench discussion was held) ...THE COURT [**had to be spiritual healing to rule**]: After **re-examining the statute more closely** and...as I **reread it, many, many more times, my initial reading [and application] of it was incorrect**... [*unjudicial conduct without judicial immunity at p23*]. ¶...I **have to change my verdict to not guilty** [for *correct judicial conduct with judicial immunity*] ... ¶ COURT OFFICER [said]: **You are free to go.**"

⁴ **True**, everyone's One Creator made sex irresistible for guaranteed reproduction but *every man* made "lie" proof of *man's lie* that he is *not the illicit father* of his baby from his own seeds he sowed by *illicit sex* with women *not wed, not wed to him or wed to another man or woman*.

True, too, "truth" is proof of every woman's truth that he **is the illicit father** and she is the *illicit mother* as more proof of the *premeditated misuse of marriages as excuses: same-sex and opposite-sex*.

True too, once again, that the legal doctrine of *unbiased closure* ("LeDOUC") is proof of help needed by **self-hurting adults to end acquired mental disorder as neologism or legal schizophrenia**.

In law, medicine and religion working together (say **to-get-her**) for free **illicit sex**, masterminded by men to please men are *abusive words* like *issues* and *bastards*, *placebo* as positive effects and *nocebo* as negative effects, *disgracing babies, mothers and fathers*. They displease consumers consumed by pleased toxic drug-bad-effects makers making Judges justify unjust gains from sex and *lex trafficking to-get-her* and **even more disgraced** by *mistreatments* from *psychotherapists* (say **psycho-the-rapists**).

Lalit K Jain
06272018

LKJESQ

“Good Law Day” 05.01.2018

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It requires *everyone's* belief in Justice to insure that *not one female is forced to live scared of even one male and vice versa*.
Good governments end predators' belief in Justicide that forces females to live scared of rapes by males in evil governments.



The LeDOUC is still the sure cure now, as it was then, of corruption in families, societies and nations. It *still bans* the demanding of eyewitnesses to corroborate sex that has to be done without eyewitnesses. It *still bans* the use of the he-said she-said excuse to make *correct judgments prevail over misjudgments* because his own unique genetic signature he leaves behind is her genetic proof of sex with her, isn't it?

It makes judicial lies as misjudgments aka self-proving nullities that they are not their own baby's fathers *as placebo effects on the predators to please men who seed women besides their own wives* and *as nocebo effects on their prey to displease women who are, and also who are not, their wives* knowing that *babies are undeniable proofs of addiction to illicit sex, adulteries and even rapes, aren't they?*

The LeDOUC still mandates that *all law-compliant jurists* acting under the law with jurisdiction and authority in law *prevail over all law-defiant jurists* who act above the law thus without jurisdiction or authority in law *still crossing the solid double yellow lines between the two sides of the law*.

- ⁵ *Per se*, “arriving at the truth [as *judicial conduct with absolute judicial immunity for honesty in solving issues*] is a fundamental goal of our legal system” in *US v Havens*, 1980, 446 US 620, 626. *Per se*, “we are, after all, always engaged in a search for truth in a criminal [, **no less in civil,**] case so long as the search is surrounded with the safeguards provided by our Constitution [*against unjudicial conduct without judicial immunity for dishonesty in creating issues* like making *uncontroversial certainty paternity of a baby a controversial issue* to make the baby doing no wrong, not its lying father doing wrongs, the bastard in law and fact].”

Oregon v Hass, 1975, 420 US 714, 722.

“Judgments are, as it were, the sayings of the law...received as truth [only when they are truth].”

Judicia sunt tanquam juris dicta, et pro veritate accipiuntur. Bl Dict, 6th Ed, p 850.

“We are not final because we are infallible, but we are infallible because we are final [errorists who **bless terrorists like illegitimate fathers and others forcing women, babies and others to live scared**].”
Brown v Allen, Justice Jackson, 1953, 344 US 443, 540.

- ⁶ **Judicial scams** teaching the untruth that marriage, not sex, makes babies in *all* paternity cases justify unjust men's illicit sexual addictions. *All schools thank both black and white iconic addicts* as victims of *color-blind protection of predation with conviction for predation* together as evil history. They **helped us all learn** that *united we serve* We the People with open minds is the solution to the problems created by *divided we rule* We the People with closed minds *since before 1776, isn't it?*



“...if two policemen see a rape and watch it just for their own [official] amusement, no violation of the Constitution [knowing that baby is bastard legally enshrined aka BIBLE is a Biased Scripture committing *blasphemy against sacred babies as Gifts of God* and their mothers for giving every man his own baby from his *sexually sowed seeds*] ... (laughter).”

May It Please the Court...Transcripts of 23 Live Recordings of Landmark Cases before the Supreme Court...Edited by Peter Irons and Stephanie Guitton 1993, pp 39-60 at pp 46-47; Please hear this Nov 2, 1988 law-breaking predatory confession without correction by *Chief Justice Rehnquist* at <http://tinyurl.com/pnu9lrj> at 39:00 to 41:00 minutes. It is in a *physical, not sexual, abuse* case of an infant son by its adult father *blessed* by the County as the *journalist making journal entries in its archives*. It made *DeShaney v Winnebago County* reported as 489 US 189 the 1989 evil landmark case.

- ⁷ The Constitution does not make conspiracy a civil right.

Dennis v US, 1951, US Sup. Ct., *Jackson, Robert H.*, 341 US 494, 572.

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A conspiracy is a partnership in criminal process.

US v Kissel, 1910, **US Sup. Ct. Holmes, Oliver Wendell**, 218 US 601, 608

... Where a court has jurisdiction, it has a right to decide every question which occurs in the cause, and whether its decision be correct or otherwise, its judgment is regarded as binding in every other court. But if it act without authority **[and lie as unjudicial conduct without judicial immunity]**, its judgments and orders are regarded as nullities **[("Nullities")]** ...all persons...executing such **[void]** judgments or sentences are considered in law as trespassers **[("Outlaws") without executive immunity]**.

Elliott v Lessee of Piersol, 1828, JUSTICE TRIMBLE, 26 US (1 Pet.) 328, 340-341.

A void act ... may be attacked in any forum, state or federal, where its validity may be drawn in issue.

Pennoyer v Neff, 1878, 95 US 714, 732-733, *World-Wide Volkswagen Corp. v. Woodson*, 444 US 286.

When rule providing for relief from void judgments is applicable, relief is *not a discretionary* matter, but is *mandatory* [for Outlaws to return to their prey their prey's property *held in deemed constructive trust for their prey's benefit* ("**Mandatory Relief**") and pay far, far more for wrongdoers' ongoing failures to insure true, correct and complete *record-keeping aka journalizing* of all wrongdoings].

Orner v Shalala, Colo. 1994, 30 F3d 1307.

- ⁸ "No one shall be permitted to profit by his own fraud, or to take advantage of his own wrong, or to found any claim upon his own iniquity, or to acquire property by his own crime. These maxims are dictated by public policy, have their foundation in **universal law [correctly applied instead of misapplied]**. They were applied in the decision of the case of the *New York Mutual Life Insurance Company v Armstrong*...

Riggs v Palmer, 1889, 115 NY 506, 511; *Imperator Realty Co v Tull*, 1920, **Cardozo**, 228 NY 447, 457.

"...But if you think that it is terribly important that the case came out wrong, **you miss the point** of the [Evil sold as the Royal] common law [tradition of *unjudicial* conduct sold as *judicial* conduct]. In the [evil] grand scheme of things, **whether the right party won is really secondary**. Famous old cases are famous, you see, not because they came out right [to make men denying undeniable paternities the illegitimate fathers as Justice], but because the [rule of lie sold as the] rule of law they announced was the intelligent one...Common-law courts performed two [equally constitutional exact opposite] functions: One was to apply the law to the facts [as the good thus less important function to insure *therapeutic restitution for therapeutic rehabilitation*]...But the *second function*, and the more important [evil] one was to make [the predators' lie] the law [of the case on a case by case basis (at p.6)]...and thus the common-law tradition [of evil sold as good] is passed on...[since day one to evil governments *still dying to upgrade into* good governments in *all* their forms and substance (at p.9)]..."

A Matter of Interpretation, Federal Courts and the Law, p6 and p9, 1997 ed., by Justice Scalia.

- ⁹ The Jun 11, 1963 denial of **restitution for rehabilitation** asked by a baby who was **misjudged as a bastard** in the case of *Zepeda v Zepeda*, 1963, 41 Ill App2d 240 is **the same old sick judicial scam**.

"... [262] ...We [men] have decided to affirm the dismissal of the claim. We do this, **despite our designation of the wrong committed herein as a tort [by father against baby and mother]**, because of our [evil] belief that lawmaking, while inherent in the judicial process, should not be indulged in where the [good] result could be as sweeping as here [to end scams, conspiracy, etc]. The interest of [263] society is so involved, the action needed to redress the tort could be **so far-reaching**, that the [good] policy of the State should be declared by the representatives of the people [forcing us all Judges to do no good to keep judicial scams and thus all other scams alive and kicking]"

"...the intense intellectual and emotional life which has come with the advance of civilization has made it clear that **only a part of the pain, pleasure, and profit of life lies in physical things**.

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“Good Law Day” 05.01.2018

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¶ We conclude that *peace of mind* is an interest of sufficient importance to receive protection from the law... [correctly applied to *end chanciness still sold as happiness*] ...The alleged conduct *of the defendant in intentionally causing the severe emotional disturbance [to peace of mind]* ...is the *outrageous nature of his conduct* that forms the basis for the action.”

Knierim v Izzo, 1961, 22 Ill 2d 73, 87-88, 174 NE2d 157.

- ¹⁰ The *good historic* 10.31.2013 *u-turn requires* Courts to acquitt all babies *misjudged* as *guilty bastards* with all mothers *misjudged* as *guilty immoralists* to convict all fathers *misjudged* as *innocent moralists*, and make placebo effects pleasing predators in law and medicine culpable for harming public health since *not one doctor testifies in a Court of law that sex, not marriage, is proof of paternity, isn't it?*

Babies can do no wrong and so they don't but governments can do wrong and so they do. Together, "governments can do no wrong" is the self-proving historic myth and "government even in its best state is but a necessary evil; in its worst state an intolerable one; ..." the self-proving historic truth as 1776 Common Sense by Founding Father Thomas Paine. The singular loyalty to all the Courts by all duly licensed lawyers as Officers of the Courts honoring the Oct 31, 2013 u-turn is the good therapeutic solution to end the evil idealistic problem. Imagine its good global ramifications!

1. All males and females are *born* with *normal* brains in *forward gears* for *correct information* by laws *correctly applied as positive thinking* that *sperms fertilize eggs* insuring **State Confirmed Security**. All *normal* brains are forced by *unjudicial* conduct to shift into *the one reverse gear* to *misapply* the laws insuring **State Created Danger**. They have to *shift back into forward gears* to *correctly* apply the laws by *judicial* conduct to *insure lowest costs of living and taxes* to make *self-proving sanity end* *lexual assaults after sexual assaults* on women and their babies as *self-proving insanity* of predators and wrongdoers still framing their prey in fact and law as the **State Created Danger**.
2. *Ages ago*, evil men sold as wise sages and wise kings forced *all* to fear their evil and respect them. This evil common law tradition of the same lie of every evil men that he is not his own baby's father is still the manmade birth defect of every legal system controlling every economic system to misuse every nation's government controlled currency to create and perpetuate corruption in every system.
3. Babies and mothers *doing no wrong* are deprived of their life, liberty, and property, even taken for public *and private* use with no compensation to them as the deprived by *dirty lawmakers* because they *masterminded marriage and divorce* aka MAD laws and thus by *dirty judges* because they *misapply* all laws to justify unjust illicit sex, even rapes, aka *extramarital sex*. *Unjudicial* conduct *immunizes all illegitimate fathers* doing wrongs seeding women besides their own wife or wives and denying their undeniable paternities *penalizing hungry legitimate mothers* with no incomes forced into criminal prostitution to feed their hungry *legitimate babies disgraced as illegitimate babies*.

“Last year sex traffickers made \$100 billion in profits. That's more than Intel, Microsoft, Nike, Google, and Starbucks combined. The average age of entry into the sex trade is 14 years old.”

Thriller/Drama Titled TRAFFICKED Initial Release March 21, 2017.

If Evil Governments *had upgraded into Good Governments*, *taxing profits of sex traffickers, lex Traffickers and religion traffickers* would have lowered taxes on We the People, *ages ago*.

As the cat is out of the bag and as it is better late than never, so let us all do it now.
Let everyone live in truth making no one live with the guilt of lies, no ifs, ands or buts.
Amen People and their Nations without discrimination from womb to tomb, period.

This LKJMOL is the AUM's dream come true to end everyone's nightmare come true.

Matter of Kulukundis (Sigal)
2018 NY Slip Op 31270(U)
June 15, 2018
Surrogate's Court, New York County
Docket Number: 2010-3411/K
Judge: Rita M. Mella
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SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

New York County Surrogate's Court

Date: June 15, 2018

-----X
SCPA 2103 Petition of Albert Sigal and Barbara L. de Mare, :
Executors of the Will of :

M. MICHAEL KULUKUNDIS, :

Deceased. :

DECISION

File No.: 2010-3411/K

-----X
M E L L A, S.:

At the call of the May 8, 2018 calendar, the court granted the SCPA 2103 petition of Albert Sigal and Barbara L. de Mare, executors of the will of M. Michael Kulukundis, to the extent of ordering respondent Tara Kulukundis to vacate a co-operative unit, Apartment 1107, The Pierre Hotel, 2 East 61st Street, New York, New York, by January 15, 2019 and, in the meantime, to allow petitioners and their agents reasonable access to the apartment, during the day, on 48-hours' notice. The balance of the requested relief — a request for costs and disbursements, including petitioners' legal fees — is denied.

Petitioners had petitioned for turnover of the apartment, owned by a closely-held corporation, 100% of the stock of which is owned by the executors and is not specifically bequeathed.

Decedent died on September 19, 2010; petitioners have been maintaining The Pierre apartment ever since. According to respondent, the current monthly maintenance and capital charges are \$12,815. The instant proceeding — essentially eviction — was prompted by petitioners' alleged need to fulfill obligations under a September 26, 2016 contract for the sale of the apartment.¹

¹ Respondent's eviction from The Pierre apartment — which, according to petitioners, she occupied only after decedent's death — does not deprive her of a home. Petitioners' allegations that respondent, individually, owns an apartment on East 52nd Street in Manhattan,

Respondent objected to the petition. She challenged the validity of the September 26, 2016 contract of sale, argued that she had never consented to it, contended that the executors had “no financial need” to sell the apartment as they could afford to continue to maintain the apartment, and, finally claimed: “It may well be that the size of her elective share would require the Executors to turn over to Mrs. Kulukundis either the Pierre Apartment or its proceeds of sale.” The court addresses each of these arguments.

The Court of Appeals has made clear that a Surrogate’s Court has jurisdiction over an eviction proceeding (“Applying these principles to the eviction matter, it would seem to follow that such a proceeding, brought by the executors in the process of attempting to wind up the administration of the estate, is cognizable in the Surrogate’s Court,” *Matter of Piccione*, 57 NY2d 278, 290 [1982]).

The validity of the executors’ contract to sell The Pierre apartment is not before the court. Had respondent sought a determination that the contract was void, the purchaser would have had to have been made a party to the proceeding.

An estate fiduciary has a duty to marshal estate assets and to prevent waste (*see Matter of Haberstick*, 169 Misc 2d 543, 545 [Sur Ct, New York County 1996] [“An executor or an administrator is required to marshall [sic] assets, pay administration expenses and make distribution. . . . [H]is or her main objective is to prevent waste while acting expeditiously to wind up the affairs of the estate”]). Accordingly, petitioners are duty-bound to marshal The Pierre apartment; they must do so whether or not they have entered into a

and that petitioners, not only have been paying the maintenance and taxes on her apartment, but also, in anticipation of her move from The Pierre apartment, have arranged and paid for extensive renovations to her apartment, are unrefuted.

contract for its sale.

Prospective approval by respondent, a person interested in the estate, of the executors' administration of the estate is not required. Her remedy, if the executors were to breach their fiduciary duty, would be to object to the executors' account.² At this juncture, respondent's consent or lack of consent to the sale of The Pierre apartment (although respondent contends she did not consent, her then counsel was kept apprised of negotiations and attended the signing of the September 26, 2016 contract of sale is irrelevant.

On March 16, 2011, respondent filed a notice of her exercise of her spousal right to elect against the will (*see* EPTL EPTL 5-1.1-A [d] [1]). An elective share of a decedent's estate is a "pecuniary amount" (EPTL 5-1.1-A [a] [2]), satisfied by a "ratable contribution" from the beneficiaries other than the surviving spouse, "which contribution may be made in cash or in the specific property received from the decedent by the person required to make such contribution or partly in cash and partly in such property as such person in his or her discretion shall determine" (EPTL 5-1.1-A [c] [2]). Accordingly, respondent's exercise of her spousal right of election does not entitle her to ownership — or the use — of a specific asset.

Respondent having failed to articulate a valid legal or equitable basis for her claim that she is entitled to remain indefinitely in The Pierre apartment at the expense of the estate, the court granted the executors' SCPA 2103 petition, to the extent indicated herein, and ruled: If respondent fails to vacate The Pierre apartment by January 15, 2019, a warrant of

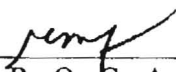
² At the May 8, 2018 calendar, the court granted Tara Kulukundis's petition to compel an accounting by the executors.

eviction may issue, upon five days' notice.

This decision, together with a transcript of the May 8, 2018 proceedings, constitutes the order of the court. Petitioners are directed to serve on respondent Tara Kulukundis, by overnight mail, a copy of this written decision.

The clerk of the court is directed to mail a copy of this decision to Joseph M. Weitzman, Esq., counsel for petitioners; David Rabinowitz, Esq., counsel for respondent Tara Kulukundis; and to Tara Kulukundis, herself.

Dated: June 15, 2018



S U R R O G A T E

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L MADOFF INVESTMENT
SECURITIES LLC,
Defendant.

In re:

BENARD L MADOFF,
Debtor.

Adv. Pro. No 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Dean Loren's June 25, 2018

Supplemental Affidavit Supporting
Correct Use of Discretion for Arriving
At Madoff Wolf Popper Picard Treasury
Trade Truth Revealed On April 25, 2018
With Direct Evidence of Merrill Lynch
Street Account Trades over Bloomberg
Terminals to JPMorgan Chase for the
Benefit of Wolf Popper & Madoff

**June 25, 2018 Objectant Dean Loren, Executor of the Evelyn Goldberg Estate Affidavit In
Support of Merrill Lynch Madoff Treasury Trades & Wolf Popper Discovery Production**

To: Pope Francis c/o Vatican Apostolic Nunciature in Washington, D.C., United States
Pope Emeritus Benedict XVI c/o Archbishop Christophe Pierre, Apostolic Nuncio
President Donald J. Trump c/o Chairman House Representative Devin Nunes
Steven Terner Mnuchin, *Secretary of the Treasury*, c/o Chairman Rep Devin Nunes
Bankruptcy Judge Stuart M. Bernstein
Bernie Madoff (Register Number 61727054) c/o Warden A. Mansukhani
Jamie Dimon, CEO c/o Stacey Friedman, General Counsel
Brian Moynihan Chairman/CEO c/o David G. Leitch, General Counsel
Michael Bloomberg (President & CEO) c/o David Levine, General Counsel
Helen Chaitman, Esq.
Irving Picard, Trustee c/o David Sheehan, Esq.
Lalit Jain, Esq.

SIPA Objectant Dean Loren, Executor, Evelyn Goldberg Estate deposes, swears and says:

1. Pope Francis and Pope Emeritus Benedict XVI, I wish to give my gravest apologies for Irving Picard's utter failure to produce the Bernie Madoff Treasury Trades made over Michael Bloomberg's Terminals to Merrill Lynch and Deposited in JP Morgan Chase admitted to by Bernie Madoff on April 26, 2017 at the Butner Prison and withheld from me by Judge Bernstein's six month confidentiality order on the Madoff Depositions and Irving Picard's fraudulent assertions.
2. In Catholic tradition, St. Francis of Assisi had a mystical vision of Jesus Christ, who told him to rebuild his church. In light of the Merrill Lynch, JP Morgan Chase scandals that have tarnished the Church with financial troubles to widespread allegations/cover-up of treasury rigging, gives my affidavit's special significance for Jamie Dimon, Brian Moynihan and Mike Bloomberg to confess.
3. In the American tradition, the President Donald J. Trump and Secretary of the Treasury Steven Mnuchin have a duty, obligation and responsibility to order the release of all Treasury Trade Information involved in the Madoff Bloomberg LP Merrill Lynch JP Morgan Chase orders.

4. I humbly request that President Donald J. Trump and Treasury Steven Mnuchin order a Treasury Trade Investigation of Madoff Bloomberg LP Merrill Lynch JP Morgan Chase for the benefit of Evelyn Goldberg Estate that flows directly to the Vatican under the most holy Pope Francis and Pope Emeritus Benedict XVI for the benefit of students.
5. I additionally request that Jamie Dimon, Brian Moynihan, Mike Bloomberg and Bernie Madoff furnish the Treasury Trades admitted by Bernie in his 03 12 2009 plea allocution "I want to emphasize today that while my investment advisory business - the vehicle of my wrongdoing - was part of my firm Bernard L. Madoff Securities, the other business my firm engaged in, proprietary trading and market making, were legitimate, profitable and successful in all respects. Those businesses were managed by my brother and two sons."
6. I further apologize to Pope Francis, that Jesuit legal training illuminates the truth from the half truth - Peter Madoff and Bernie's sons conducted the proprietary treasury trading at issue.
7. The issue should be clear, concrete and succinct to Judge Stuart M. Bernstein J.D., Fordham University School of Law (cum laude), and myself (cum postrema acie).
8. I humbly request Judge Bernstein and support Ms. Chaitman's Request for Sanctions given Trustee Picard's utter failure to produce the Trading Records, under which Defendants are entitled to move, pursuant to Fed. R. Civ. P. 37(b)(2)(A)(i), for an order directing that, in all of Defendants' cases, Madoff, JP Morgan Chase, Merrill Lynch and Bloomberg LP did conduct Treasury Trades be established.
9. I additionally request with humility, Judge Bernstein and support Ms. Chaitman's Request for Sanctions pursuant to Fed. R. Civ. P. 37(b)(2)(A)(ii), prohibiting Trustee Picard from introducing any evidence or arguments to the contrary for his utter failure to produce over the past ten years from Jamie Dimon, Brian Moynihan and Mike Bloomberg the Treasury Trade Billings and Accounts used for the "Masked" Street Purchases.
10. Furthermore, Trustee Picard's utter failure, leaves him with no discretion to the following:
 - a. Production of Wolf Popper Client files
 - b. Denying Loren Access to Discovery for Due Diligence
 - c. Production of Consolidated Accounting of Trading & Brokerage Fees Billing and Agreements
 - d. Production of Consolidated Accounting of Banking statement
 - e. Opposing Loren after Picard's attempt to have Loren arrested for a Las Vegas BOA account unlawfully moved from Merrill Lynch and prosecuted by Mike Bloomberg's NYC
 - f. Opposing Loren deposing Madoff without constraints
11. Picard and Sheehan as early as April 07, 2009 based their entire complaint on erroneous facts. "The security purchases and trades depicted in the account statements never occurred and the profits reported were entirely fictitious. At the Plea Hearing, Madoff admitted that he never in fact purchased any of the securities he claimed to have purchased for customer accounts. Indeed, there is no record of the Madoff Defendants having cleared a single purchase or sale of securities at the Deposit Trust & Clearing Corporation, the clearing house for such transactions, or any other trading platform on which BLMIS could have reasonably traded securities."

12. Clearly, Picard and David Sheehan's "gross and egregious" conduct "tantamount to fraud, misrepresentation, overreaching or spoliation" continues to at least, April 18, 2018 and to today as evidenced by their current continued erroneous submissions to the Honorable Stuart M. Bernstein.

13. Pope Francis and Pope Emeritus Benedict XVI additional evidence exists for the Treasury Trades by Madoff Bloomberg LP Merrill Lynch and JPMorgan Chase as follows:

a. Evelyn Goldberg Estate claims for cash. The Second Circuit upheld the District Court's determination that Madoff Fake Securities Claimants had claims for securities, not claims for cash.

b. Evelyn Goldberg Estate has trade dates and bond identification unlike the case of the April 13, 2018 Magnify Decision where the Portfolio Evaluations were produced two times each year, dated "as of" June 30 or December 31 of each year. (§ 92.) They contained no historical information or any transaction details for any security allegedly bought or sold during the relevant six-month period, such as trade dates, settlement dates or trade prices.

c. Evelyn Goldberg Estate, Doris Sassower and Dean Loren, all individually reported the Madoff Bloomberg LP Merrill Lynch JPMorgan Chase Treasury scheme to the IRS and Legal Authorities

i) Evelyn Goldberg April 16, 1993 - Manhattan Surrogate Roth (Trust/Estate Thefts)

ii) Doris Sassower June 14, 1991 - Westchester Surrogate Emmanuelli (Trust/Estate Thefts)

iii) Dean Loren August 1992 - Hughes Hubbard & Reed (Nassau Offshore Accounts)

(The NY Surrogates were in fact robbing Trusts & Estates with the full knowledge of Judge Kaye, whose husband Steven at Proskauer ran the largest Madoff Victim Class with Michael Cardozo.)

14. Pope Francis and Pope Emeritus Benedict XVI further evidence exists for the Treasury Trades by Madoff Bloomberg LP Merrill Lynch and JPMorgan Chase as follows:

(October 30, 2017, 9:15 PM EDT) -- Former banker Jennifer Sharkey's trial over allegations that JPMorgan Chase & Co. fired her in retaliation for flagging suspected fraud on the part of a big-fish client began Monday after Manhattan U.S. District Judge Denise L. Cote blocked her from mentioning Bernie Madoff — another former client of the megabank. (This follows Judge Bernstein's order for Bernie not to be deposed and questioned about the Big Four Clients.)

15. Pope Francis and Pope Emeritus Benedict XVI lastly evidence exists for the Treasury Trades by Madoff Bloomberg LP Merrill Lynch and JPMorgan Chase as follows:

Merrill Lynch Treasury Record Billing and Fee Arrangements exist as of June 2017, when Picard admitted 4,700 microfilm reels never produced and never even searched for Trading Records, which can be readily optically scanned for Merrill Lynch Entries.

16. In fact, Irving Picard utilizes Bloomberg LP terminals and remits billing statements for Bloomberg LP Terminal use for reimbursement to Judge Bernstein on a periodical basis that if further questioned would access the Madoff Bloomberg LP Merrill Lynch JPMorgan Chase Treasury Trades placed over Mike Bloomberg's terminals and recorded by Mike Bloomberg.

17. Mike Bloomberg admits to eavesdropping on Goldman Sachs conferencing discussions and the downloading of Merrill Lynch Treasury Trade Requests by Bernie would be of equal interest to the former Mayor of NYC who had his term extended for the trial and aftermath of Madoff exposure.

18. Pope Francis and Pope Emeritus Benedict XVI, jurisdiction exists over Merrill Lynch, as both (i) Irving Picard, Sheehan and Sehgal and (ii) Finkel of Wolf Popper sued Madoff Feeder Fund known as Fairfield and Price Waterhouse, with Wolf Popper's full knowledge that Bernard Madoff ran a Treasury scheme involving Wolf Popper's firm account and government securities.

19. The Evelyn Goldberg Estate can produce another direct witness, Lisa Barbieri, Charities Attorney for NY State Attorney General as Lisa, also a Fordham University Law Graduate, worked at Price Waterhouse on Fairfield's client account, and subsequently became the Legal Clerk for the Manhattan Surrogate Court under Roth for the robbed Trusts & Estates, and has in her personal possession the original NY State Attorney General Correspondence from Wolf Popper that manufactured a bogus Guardian ad Litem over Evelyn Goldberg to stop the exposure of Simon Goldberg's Secret Canadian Probate containing the Treasury Securities/cash that Judge Bernstein withheld from Loren's knowledge by his Madoff Deposition Confidentiality orders.

20. Pope Francis and Pope Emeritus Benedict XVI, to protect your bequests named in Evelyn Goldberg's Estate, I contacted the IRS in the Fall of 2015 that resulted in Surrogate Judge Rita Mella placing on the Simon Goldberg Estate Docket over 200 documents evidencing the fraud perpetrated by Wolf Popper and that Surrogate Roth was ordering to be kept off the record.

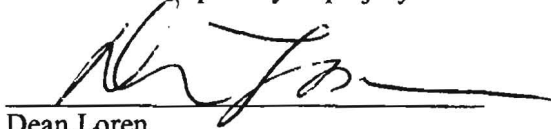
X. As an Executor, I have always exercised my duty to marshal the full, complete, correct and accurate assets owed to Evelyn's Estate that flow to the Vatican, unlike Trustee Irving Picard's utter failure to ascertain the Merrill Lynch Trading Records and Consolidated Billing statements.

Wherefore, I would like to request that Judge Stuart M. Bernstein conduct a closed door hearing of Picard, Chaitman, Jain, and Loren and if necessary an open proceeding to the Public to discuss

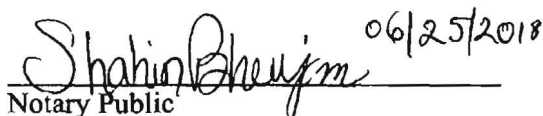
- a. Picard's triple damages owed to the Evelyn Goldberg Estate,
- b. Chaitman's motion for sanction
- c. Loren's deposition of Madoff without constraints
- d. Baker Hosteler damages and settlement to be paid in bank certified checks
- e. Wolf Popper Client Records with Madoff delivered to Loren

and any other relief, Judge Stuart M. Bernstein may grant Loren in order to marshal all the assets owed to the Vatican as governed by Pope Francis and Pope Emeritus Benedict XVI, Amen.

Sworn to under penalty of perjury this June 25, 2018



Dean Loren
Executor,
Evelyn Goldberg Estate
SIPA Objectant &
Madoff Bloomberg Merrill Lynch JPMorgan Chase Treasury Victim

 06/25/2018
Notary Public

SHAHIN S BHUIYAN
NOTARY PUBLIC, STATE OF NEW YORK
NO.01BH6114597
QUALIFIED IN QUEENS COUNTY
MY COMMISSION EXPIRES AUGUST 23, 20 2, a